
SELECTED HIGHLIGHTS -- FAMILY LAW LEGISLATION

INTRODUCED DURING THE 2011 GENERAL SESSION

This document provides selected highlights of family law related legislation that was introduced during the 2011 General Session. This document is not a comprehensive summary. For additional information on bills passed during the 2011 General Session, see <http://le.utah.gov>.

GENERAL FAMILY LAW

H.B. 161 ***Guardian Ad Litem Responsibilities*** (Rep. C. Oda)

This bill requires guardians ad litem to participate in child and family plan meetings to represent the best interest of their client.

H.B. 334 ***Family Expense Amendments*** (Rep. S. Sandstrom)

This bill allows a creditor to collect reasonable collection costs and attorney fees incurred in collecting a debt under the family expense statute.

H.B. 374 ***Domestic Violence Amendments*** (Rep. B. Last)

This bill prevents a person arrested for domestic violence from contacting the alleged victim while the person is detained in a jail and provides a penalty for violation.

S.B. 34 ***Uniform Interstate Family Support Act*** (Sen. L. Hillyard)

This bill makes conforming amendments required by the Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance.

This bill:

- ▶ provides procedures for recognizing foreign support orders;
- ▶ defines "convention," "foreign country," "foreign support order," and "foreign tribunal"; and
- ▶ incorporates provisions for the filing, modification, and enforcement of support orders issued by foreign countries that have comity with the United States.

S.B. 143 ***Judiciary Amendments*** (Sen. L. Hillyard)

This bill makes changes throughout the code regarding the judiciary and courts.

This bill:

- ▶ permits a person to be a candidate for more than one justice court judge office;
- ▶ requires an appointee or a candidate to more than one justice court office to:
 - pay a filing fee for each office; and
 - identify on the declaration of candidacy all of the courts included in the general election;
- ▶ allows a declaration of candidacy in one county to be valid in any other county in which the candidate may be appointed or elected;
- ▶ requires the ballot title to include the name of a court created by interlocal agreement;
- ▶ removes the requirement that all registered voters in a county vote in the retention election of a county justice court judge;
- ▶ removes the requirement that the governing bodies of a county and a municipality within that county both concur when a justice court judge is permitted to hold office as both a county and a municipal justice court judge;
- ▶ modifies a provision regarding child protective orders to comply with Rule 4 of the Utah Rules of Civil Procedure;

- ▶ allows any court, without a jury, to determine questions of fact and law and any constitutional issue presented in the pleadings;
- ▶ limits the scope of those who may petition the court for a modification or revocation of the court's child custody order to the child's parent or guardian;
- ▶ limits the scope of those who may petition the court for a new hearing on the ground that new evidence has been discovered;
- ▶ requires that disposition orders include notice that the right to appeal must be taken within 15 days from the entry of the order, decree, or judgement;
- ▶ authorizes the court to include in a minor's disposition order, an order to a minor's parent or guardian to pay restitution as authorized by law;
- ▶ requires the minimum payment of restitution to be at least \$5, unless the payment is the final payment and less than \$5 is owed;
- ▶ removes the authorization for a justice court judge to order administrative traffic checkpoints and issue search warrants; and
- ▶ allows the certificate of admission fee charged to new attorneys to be nonlapsing.

S.B. 286 Grandparents' Visitation Rights (Sen. D. Hinkins)

This bill requires that grandparents be considered for visitation with grandchildren who are in state custody.

FAMILY LAW LEGISLATION THAT DID NOT PASS

H.B. 131 Custody and Parent-time Modifications (Rep. R. Edwards)

This bill requires a court to review a person's custody and parent-time if the person is convicted of a crime.

This bill:

- ▶ allows a person to petition a court for review of custody and parent-time upon learning the other parent has been convicted of certain crimes;
- ▶ sets a three-year time limit on convictions to be used as the basis for a modification;
- ▶ requires the court to make written findings; and
- ▶ awards costs and attorney fees to the petitioner.

H.B. 140 Divorce Waiting Period Amendments (Rep. V. Peterson)

This bill restores the 90-day waiting period before a hearing may be held in a divorce and creates an exception if the court finds that extraordinary circumstances exist to waive the 90-day period.

H.B. 222 Support Obligation for Children in State Custody (Rep. L. Wiley)

This bill requires the court to provide a hearing upon request on whether a parent or guardian should be required to pay child support for a child in state custody.

This bill:

- ▶ allows a parent or guardian to request a hearing on child support for a child in state custody;
- ▶ requires the court to hold a hearing if requested by a parent or guardian; and
- ▶ sets the standard for the court review at clear and convincing evidence.

H.B. 231 ***Parent-time Schedule Amendments*** (Rep. S. Sandstrom)

This bill adds participation in religious activity and consideration of stay-at-home spouses to items a judge may take into consideration when creating orders in divorces.

This bill:

- ▶ adds provisions to allow a court to take into consideration a parent's willingness to allow a child's continued participation in religious services and activities when ordering parent-time for non-custodial parents.

H.B. 491 ***Alimony Modifications*** (Rep. S. Sandstrom)

This bill expands the factors a court shall consider when determining alimony.

This bill:

- ▶ defines fault;
- ▶ requires the court to consider certain types of fault when determining alimony;
- ▶ allows a court to order additional alimony to allow a recipient spouse to care and supervise minor children; and
- ▶ allows the court to close proceedings related to the issue of fault and seal the records of the closed proceedings.

S.B. 96 ***Alimony Amendments*** (Sen. L. Hillyard)

This bill creates a new section regarding alimony.

This bill:

- ▶ defines fault and cohabit;
- ▶ requires that a court ordering alimony in excess of \$1,000 per month for at least 60 months require a plan for self-sufficiency from the recipient;
- ▶ lists factors the court is to take into consideration when ordering alimony with a systematic decrease provision;
- ▶ creates a rebuttable presumption of cohabitation if two non-related persons reside in the same location; and
- ▶ makes technical corrections.

S.B. 183 ***Custody Amendments*** (Sen. L. Robles)

This bill requires that an evidentiary hearing be held on temporary orders and allows a parenting plan to be filed up until the date of the final pre-trial conference.

This bill:

- ▶ requires that an evidentiary hearing be held on temporary orders at the point a separation is consolidated with a divorce; and
- ▶ allows a parenting plan to be filed up until the date of the final pre-trial conference.

S.B. 277 ***Child Custody Task Force*** (Sen. L. Robles)

This bill creates the Child Custody Task Force.

This bill:

- ▶ creates a Child Custody Task Force to evaluate whether Utah's custody laws are in the best interests of children; and
- ▶ designates three members of the Senate and four members of the House of Representatives to serve on the task force.